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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/685,545	10/14/2003	Clay Cannady	029714-00031	4939

79439 7590 08/26/2010
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ART UNIT	**PAPER NUMBER**
1797	
NOTIFICATION DATE	**DELIVERY MODE**
08/26/2010	ELECTRONIC

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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 10/685,545
Filing Date: October 14, 2003
Appellant(s): CANNADY ET AL.

Sushupta T. Sudarshan
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 6/01/2010 appealing from the Office action mailed 9/28/2009.

(1) Real Party in Interest

The examiner has no comment on the statement, or lack of statement, identifying by name the real party in interest in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The following is a list of claims that are rejected and pending in the application:

Claims 1-4, 8-12, 14-17, 37-39, 41, 43-48, 54 and 55 are pending and rejected.

(4) Status of Amendments After Final

The examiner has no comment on the appellant's statement of the status of amendments after final rejection contained in the brief.

(5) Summary of Claimed Subject Matter

The examiner has no comment on the summary of claimed subject matter contained in the brief.

(6) Grounds of Rejection to be Reviewed on Appeal

The examiner has no comment on the appellant's statement of the grounds of rejection to be reviewed on appeal. Every ground of rejection set forth in the Office action from which the appeal is taken (as modified by any advisory actions) is being maintained by the examiner except for the grounds of rejection (if any) listed under the subheading "WITHDRAWN REJECTIONS." New grounds of rejection (if any) are provided under the subheading "NEW GROUNDS OF REJECTION."

(7) Claims Appendix

The examiner has no comment on the copy of the appealed claims contained in the Appendix to the appellant's brief.

(8) Evidence Relied Upon

3780857	Rosano	12-1973
6,440,375	Davis	8-2002
5,441,550	Hassenboehler	8-1995
5,688,476	Bourne	11-1997

4,206,844	Thukamoto	6-1980
4,382,063	Romito	5-1983

Rosano discloses a combination of a sterilization wrap for wrapping an article to be sterilized and the article to be sterilized, comprising at least a first sheet of sterilization material, and a sheet of absorbent material bonded to said first sheet of sterilization material, wherein said sheet of absorbent material is adapted to receive the article to be sterilized thereon, wherein the sheet of absorbent material has a smaller perimeter than the first sheet of sterilization material, and the article to be sterilized is a medical instrument.

Davis discloses a combination of a sterilization wrap for wrapping an article to be sterilized and the article to be sterilized, comprising at least a first sheet of sterilization material, and a sheet of absorbent material placed on said first sheet of sterilization material, wherein said sheet of absorbent material is adapted to receive the article to be sterilized thereon, provides sterility protection for the article in addition to said first sheet of sterilization material, wicks moisture away from the article after sterilization has taken place, is non-rigid, and permits sterilant to readily pass therethrough, wherein the sheet of absorbent material has a smaller perimeter than the first sheet of sterilization material, the sheet of absorbent material (has thickness of 1/8 in = 3.175 mm) is thicker than the first sheet of sterilization material, the sheet of absorbent material provides more moisture absorption than the first sheet of sterilization material, and the article to be sterilized is a medical instrument.

Hassenboehler discloses dimensions of a typical laminated nonwoven sheet of multi-ply web material, wherein the thickness of the sheet is less than 1.5 mm.

Bourne discloses a combination of a sterilization wrap for wrapping an article to be sterilized and the article to be sterilized, comprising a first sheet and a second sheet of sterilization material, said first sheet of sterilization material being a multi-ply laminate, wherein the second sheet is bonded to the first sheet of sterilization material and has a different color from the first sheet of sterilization material.

Thukamoto discloses a combination of a sterilization wrap for wrapping an article to be sterilized and the article to be sterilized, wherein a chemical visual indicator that changed visual state/color upon being exposed to sterilant is attached to said sterilization wrap.

Romito discloses a sterility indicator which changes color after having been exposed to steam.

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

   1. Determining the scope and contents of the prior art.
   2. Ascertaining the differences between the prior art and the claims at issue.
   3. Resolving the level of ordinary skill in the pertinent art.
   4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. Claims 1-4, 8-12, 37-39, 46-48 and 54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rosano (3780857) in view of Davis (6440375), Hassenboehler (5441550) and Bourne (5688476).

As to Claims 1, 4, 8, 37 and 54, Rosano (‘857) discloses a combination of a sterilization wrap (10) for enabling one to wrap an article (33) to be sterilized and the article to be sterilized (33) being a medical instrument (see entire document, particularly Figures 2-6, specifically Figure 6), comprising:

at least one sheet of sterilization material (18); said sheet (18) of sterilization material being a multi-ply laminate (see entire document, particularly Col. 1, lines 5-8 and 49-53 where the laminated material is deemed to be multi-ply configuration as the one layer is encapsulated/laminated on top and bottom by laminating material/layer);

an additional sheet (11) of absorbent material attached to said sheet (18) of sterilization material (see Col. 1, lines 17-18 and 54-56);

- said additional sheet (11) of absorbent material bonded to said sheet of sterilization material (18) (see Col. 1, line 18) adapted to contact the article (33) to be sterilized (see Figure 6);

- said additional sheet (11) being bonded to the central portion of said first sheet (18) (see Figure 6 and Col. 1, lines 54-56); the perimeter of said additional sheet (11) being at least twenty-five percent smaller than the perimeter of said first sheet (18) (see Col. 1, lines 58-63; where the perimeter of the additional sheet 11 is 28 inches and the perimeter of the first sheet 18 being 64 inches, so the perimeter of the additional sheet is about 56% smaller than the first sheet perimeter); and

- said additional sheet of absorbent material (a) providing sterility protection for the article (33) in addition to said sheet (18) of sterilization material (as the cardboard provides a base to support the articles in place of traditional sterilization trays made of stainless steel which prevents the articles from puncturing/damaging the wrap material that will compromise the sterility achieved within – see Col. 1, lines 2-6 and 16-18), and (b) enabled to wick moisture away from the article (33) after sterilization has taken place (wherein the absorbent material is cardboard which is intrinsically moisture absorbent).

Rosano (‘857) does not appear to specifically teach that the additional absorbent sheet material is non-rigid, or that said additional sheet of absorbent material is constructed so as to permit sterilant to readily pass therethrough, nor that the sheet of absorbent material is thicker and/or heavier than the first sheet of sterilization material, the sheet of absorbent material providing more moisture absorption than the first sheet of sterilization material, the sheet of absorbent material having a different color from the first sheet of the sterilization material.

As to the limitations that the additional absorbent sheet material is non-rigid and that said additional sheet of absorbent material is constructed so as to permit sterilant to readily pass therethrough and the sheet of absorbent material providing more moisture absorption than the first sheet of sterilization material, it was well known in the art at the time of invention to provide a non-rigid, absorbent sheet material that is placed under the article to be sterilized in a sterilization wrap system and constructed so as to absorb moisture and permit sterilant to readily pass therethrough in a sterilization wrap.

Davis (‘375) exemplifies a combination of a sterilization wrap system for wrapping an article (20, 30) to be sterilized and the article to be sterilized (20, 30) (see entire document, particularly Figures 1-2), comprising:

at least a first sheet of sterilization material (40); said first sheet having an outer periphery and a central portion (see Figure 2); and an additional sheet of absorbent material (10) placed on said first sheet of sterilization material (40);

- said sheet of absorbent material (10) adapted to receive the article (30) to be sterilized thereon; said sheet of absorbent material (10) (a) providing sterility protection for the article (30) in addition to said first sheet of sterilization material (40) (where the additional sheet of the absorbent material prevents tear in the first sheet so as to prevent compromising the sterility of the articles within; see entire document, particularly Col. 5 lines 1-5), and (b) wicking moisture away from the article (30, 20) after sterilization has taken place (see entire document, particularly Col. 6 lines 42-47),
- said sheet of absorbent material (10) being non-rigid (where the sheet (10) of super-absorbent material made from an absorbent synthetic material in the form of hydrophilic polyurethane foam - see Col. 3 lines 8-12 - is a known non-rigid absorbent material), contacts the article to be sterilized (20, 30) (see Figures 1-2), and permits sterilant to readily pass therethrough (see entire document, particularly Col. 6 lines 48-54) and
- said sheet of absorbent material providing more moisture absorption than the first sheet of sterilization material (see Col. 2 line 66 to Col. 3 line 12, Col. 4 lines 7-40, Tables 1-2),

in order to advantageously cushion article(s) to be sterilized both during and after a sterilization process as well as to prevent residual moisture on instrument surfaces post-sterilization, and allow effective operation of conventional sterilization processes with sterilant such as steam and ethylene oxide (see entire document, particularly Col. 3 lines 3-8 and 47-51).

It would have been obvious to one of ordinary skill in this art at the time of invention to provide a non-rigid sheet of absorbent material in the sterilization wrap of Rosano in order to promote wicking of moisture away from the article to be sterilized after sterilization and to cushion/protect the article so as to prevent tear of the sterilization sheet material by the article as exemplified by Davis.

As to the limitation that the sheet of absorbent material is thicker than the first sheet of sterilization material, Davis (‘375) discloses that the sheet of absorbent material is 1/8 inch in thickness (which equals to 3.175 mm; see Col. 4 lines 1-6). However, Rosano (‘857) does not specifically teach what the thickness is for the first sheet of sterilization material made from laminated non-woven material (see Col. 1 lines 48-52).

Hassenboehler (‘550) discloses that a laminated non-woven sheet has a thickness of less than 1.5 mm (see Table VII) in order to provide a nonwoven web for use in medical and sanitary applications (see Col. 4 lines 32-33 and Col. 5 lines 9-18). As it was known in the art at the time of invention that a laminated non-woven material has a thickness of less than 1.5mm, it would have been obvious to one of ordinary skill in this art at the time of invention that the sheet of absorbent material of Davis is thicker than the first sheet of sterilization material made of laminated non-woven material such as that of Rosano.

As to the limitation that the sheet of absorbent material having a different color from the first sheet of the sterilization material, Bourne (‘476) discloses that the sterilization wrap (10) has two sheets (12, 14) wherein the shading or coloring of the inner sheet 14 is different than the outer sheet 12 in order to visually distinguish and properly position the wrap 10 so that the correct inner sheet of the wrap faces the item to be wrapped (see Col. 8, lines 46-61).

It was known in the art at the time of invention to provide different coloration to the different sheets of a sterilization wrap system and it would have been obvious to one of ordinary skill in this art at the time of invention to provide such different coloration/shading of the sheets in the wrap of Rosano as modified by Davis and Hassenboehler in order to visual distinguish the two surfaces for proper orientation of the wrap with the article to be sterilized as shown by Bourne.

As to claims 2-3, 10, 12, 38-39 and 46, while Rosano (‘857) discloses that the wrap comprises of a first sterilization sheet made from non-woven, laminate material (see Col. 1, lines 48-52), Rosano (‘857) does not appear to specifically teach that the wrap further includes a second sheet of sterilization material; said second sheet of sterilization material being bonded to said first sheet of sterilization material; where the second sheet of sterilization material includes an outer periphery with four edges; said outer periphery of said first sheet of sterilization material having four edges being bonded to said outer periphery of said second sheet of sterilization material by heat and pressure; nor that the first and second sheets of sterilization material are made of SMS.

It was known in the art at the time of invention to provide two sheets of sterilization material for wrapping an article for sterilization where the two sheets are made of SMS and bonded to each other along the outer periphery of the sheets. Bourne ('476) discloses a sterilization wrap (10) for enabling one to wrap an article (18) to be sterilized, comprising:

a first sheet of sterilization material (12); said first sheet (12) having an outer periphery with four edges about the periphery and a central portion (see Figures 1-6); and

a second sheet of sterilization material (14); said second sheet (14) having an outer periphery with four edges about the periphery and a central portion (see Figures 1-6);

wherein the two sheets are made of SMS in order to provide properties such as strength and barrier properties to the wrap (see Col. 7, line 29 through Col. 8, line 9, and Col. 9, lines 33-48 and 55-65) and the outer periphery of the first sheet (12) is bonded to said outer periphery of the second sheet (14) by heat and pressure (see Col. 5, lines 22-23 and 26-29) in order to join the two sheets of the sterilization material together (see Figures 4-6, particularly Figure 6 and Col. 5 line 48 through Col. 6 line 19).

It would have been obvious to one of ordinary skill in this art at the time of invention to provide two sheets of sterilization material for wrapping an article for sterilization where the two sheets are made of SMS and bonded to each other along the outer periphery of the sheets in the sterilization wrap of Rosano in order to provide strength and barrier properties to the wrap and to join the two sheet together as shown by Bourne.

As to Claims 9 and 11, Rosano ('857) discloses that the first sheet of sterilization material (18) has two sides (see Figures 2-6, particularly Figure 5 where there is an interior side that contains the articles and 11 and the exterior side as seen in Figure 2); one side of said first sheet of sterilization material (18) having a central portion (as defined by 13 and 21); said sheet of absorbent material bonded to said first sheet of sterilization material at said central portion adhesively (see Figure 6 and Col. 1, lines 18 and 54-55 wherein "adhesively secured" is deemed to include bonding by glue).

As to Claims 47-48, while Bourne ('476) discloses that the basis weight of the first sheet of sterilization material is 1.05 to 3.57 osy (see Table I and Col. 9, line 33 through Col. 10, line 16), neither Rosano ('857), Davis ('375), Hassenboehler ('550) nor Bourne ('476) appears to specifically teach the basis weight of the absorbent sheet is in the range from 1.0 osy to 3.0 osy such that the basis weight of said additional sheet is greater than the basis weight of said first sheet of sterilization material.

It was well known in the art at the time of invention to manufacture an absorbent sheet material in the form of foam having various basis weights. It would have been well within the purview of one of ordinary skill in the art to utilize a polyurethane foam sheet material with basis weight in the range from 1.0 osy to 3.0 osy such that the basis weight of said additional absorbent sheet is greater than the basis weight of said first sheet of sterilization material in the sterilization wrap system of Rosano as modified by

Davis, Hassenboehler and Bourne in order to provide an absorbent material that is suitably optimized for the sterilization system to wick moisture as well as to cushion articles for sterilization. Only the expected results would be attained.

Thus, Claims 1-4, 8-12, 37-39, 46-48 and 54 would have been obvious within the meaning of 35 U.S.C. 103(a) over the combined teachings of Rosano (‘857), Davis (‘375), Hassenboehler (‘550) and Bourne (‘476).

4. Claims 14-15, 17, 41, 43-45 and 55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rosano (3780857) in view of Davis (6440375), Hassenboehler (5441550) and Bourne (5688476) as applied to claims 1, 37 and 54 above, and further in view of Thukamoto (4206844).

Rosano (‘857), Davis (‘375), Hassenboehler (‘550), Bourne (‘476) are relied upon for disclosure described in the rejection of claims 1, 37 and 54 under 35 U.S.C. 103(a).

As to Claims 14, 41, 43 and 55, while both Rosano (‘857) and Davis (‘375) teaches a sterilization wrap, neither Rosano (‘857) or Davis (‘375) or Hassenboehler (‘550) nor Bourne (‘476) appears to specifically teach that the sterilization wrap further includes a chemical visual indicator responsive to the presence of sterilant so as to indicate whether or not the article has been exposed to adequate sterilization conditions.

It was well known in the art at the time of invention to include a chemical visual indicator within a package formed using a sterilization wrap material. Thukamoto (‘844) exemplifies sterilization wraps (1 and 2) for wrapping an article (3) to be sterilized (Abstract) further including a chemical visual indicator (5); said chemical visual indicator (5) being in one visual state/color prior to exposure to sterilant and being in another visual state/color after exposure to sterilant (Col. 4, lines 22-26; Col. 5, lines 6-11); said chemical visual indicator being attached to said wrap (see Figure 1-3, 5) so as to indicate whether or not the article has been exposed to adequate sterilization conditions (Col. 4, lines 22-26).

It would have been obvious to one of ordinary skill in this art at the time of invention to provide a chemical visual indicator in the sterilization wrap system of Rosano as modified by Davis, Hassenboehler and Bourne in order to obtain a means to ascertain “the completion of disinfection of a medical instrument received” with ease (Col. 4, lines 22-26) as shown by Thukamoto.

As to Claims 17 and 44, while Thukamoto (‘844) does not appear to specifically teach that the chemical visual indicator meets the requirements of ISO 11140-1, it would have been obvious to one of ordinary skill in this art at the time of invention to use a chemical visual indicator that meets such a requirement in a sterilization wrap system of Rosano as modified by Davis, Hassenboehler, Bourne and Thukamoto in order to demonstrate that the indicator and ultimately the sterilization wrap system achieves industry acceptable/standard level of performance.

As to Claims 15 and 45, while neither Rosano (‘857) nor Davis (‘375) teaches that a chemical visual indicator is attached to said additional sheet, Thukamoto (‘844) discloses that the chemical visual indicator (5) is located on a sheet (1) where the article (3) to be sterilized is placed (see Figure 2) in order to enable visual recognition of the completion of sterilization/disinfection at the location of the sterilized article (see Abstract). Thus, it would have been obvious to one of ordinary skill in this art at the time of invention to attach the chemical visual indicator also on the additional sheet of Rosano as modified by Davis, Hassenboehler and Bourne upon which the items for sterilization are placed in order to ensure that the interior of the sterilization wrap where the article to be sterilized is located has received sterilant to effect sterilization as shown by Thukamoto.

Thus, Claims 14-15, 17, 41, 43-45 and 55 would have been obvious within the meaning of 35 U.S.C. 103(a) over the combined teachings of Rosano (‘857), Davis (‘375), Hassenboehler (‘550), Bourne (‘476) and Thukamoto (‘844).

5. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rosano (3780857), Davis (6440375), Hassenboehler (5441550) and Bourne (5688476) in view of Thukamoto (4206844) as applied to claim 14 above, and further in view of Romito (4382063).

Rosano (‘857), Davis (‘375), Hassenboehler (‘550), Bourne (‘476) and Thukamoto (‘844) are relied upon for disclosure described in the rejection of claim 14 under 35 U.S.C. 103(a).

While Thukamoto (‘844) teaches that the chemical visual indicator changes color after having been exposed to a sterilant gas, Thukamoto (‘844) does not appear to teach that the chemical visual indicator changes color after having been exposed to steam.

It was well known in the art at the time of invention to provide a chemical visual indicator that changes color after exposure to steam in a sterilization system. Romito (‘063) exemplifies a chemical visual indicator that changes color after having been exposed to steam (Abstract). It would have been obvious to one of ordinary skill in this art at the time of invention to provide the chemical visual indicator for steam sterilization instead of the chemical visual indicator of Thukamoto in the sterilization wrap system of Rosano (‘857) as modified by Davis, Hassenboehler and Bourne in order to provide an indicator for a steam sterilization application so as to “visually show that steam sterilization has been completed” (Col. 1, lines 6-7) as exemplified by Romito.

Thus, Claim 16 would have been obvious within the meaning of 35 U.S.C. 103(a) over the combined teachings of Rosano (‘857), Davis (‘375), Hassenboehler (‘550), Bourne (‘476), Thukamoto (‘844) and Romito (‘063).

(10) Response to Argument

Claims 1-4, 8-12, 37-39, 46-48 and 54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rosano (3780857) in view of Davis (6440375), Hassenboehler (5441550) and Bourne (5688476).

Appellant argues in page 10 of the Brief that “Davis fails to teach or suggest” the limitation that “the sheet of absorbent material provides more moisture absorption than the first sheet of sterilization material” as “Davis does not compare the trayliner’s absorption capabilities to that of a sheet of sterilization material…nowhere does Davis teach or suggest that its trayliner provides more moisture absorption than a sheet of sterilization material”.

It is noted that Davis teaches a “super-absorbent trayliner for use in a sterilization process and, more particularly, to a super-absorbent trayliner for cushioning surgical instruments and providing an advantageous moisture absorption functionality during and after completion of a sterilization process" (see Abstract) which is “highly absorbent” (see Col. 2 lines 32-33). Moreover, Davis reveals that the problem of a "wet pack" has been persisting in the field of sterilization process, which results when residual moisture remains on the inside and/or outside a wrapped tray, and that this super-absorbent trayliner overcomes the problem of wet pack as it "maintains surgical instruments positioned in the wrapped tray in a "dry" condition at the completion of the sterilization process and further cushions the instrumentation, thereby minimizing the potential for instrument damage during post-sterilization handling” (see Col. 2 lines 36-

41). Thus, one of ordinary skill in the art would recognize that the trayliner of Davis would provide more moisture absorption than the first sheet of sterilization material since it is provided to reduce/eliminate residual moisture from wrapped/sterilized packs rather than any of the prior and current sterilization materials, as these known materials have not and will not overcome the wet pack problem because these are not adequate for moisture absorption.

In addition, Davis discloses that the super-absorbent trayliner is made from polyurethane ester foam such as “Aquazone® foam [which] absorbs moisture of approximately thirty three percent by dry weight” (see Col. 4 lines 7-20). In addition, as pointed out in the first paragraph on page 11 of the Brief, Hassenboehler discloses, as discussed in the Advisory Action, that “typical non-woven webs made of man-made fibers generally lack properties such as liquid absorption and retention” (Col. 4 lines 39-49). Thus, it is deemed obvious that a foam material would be more moisture absorbent than any sterilization wrap material such as those disclosed by Rosano, Davis, Hassenboehler and Bourne that is of non-foam construction (see also Tables 1-2 of Davis).

Appellant also argues in the last paragraph on page 10 of the Brief that Hassenboehler’s disclosure of "broad ranges of liquid absorption aspect ratio do not provide any insights as to a level of liquid absorption that would be desirable for a sheet of sterilization material that has a sheet of absorbent material bonded to it for use in a sterilization wrap”. However, it is noted that the reference of Hassenboehler was relied upon for the limitation regarding the thickness of the sterilization wrap material rather than the absorption capability of sterilization wrap material. While Hassenboehler may indicate that by processing the a laminated non-woven web post-drawing that an improved liquid absorption capacity may be achieved as Appellant pointed out at the end of the first paragraph on page 11 of the Brief, it is noted that such improvement would not produce a material that is as absorbent as a foam material, as foam material that is specifically produced for liquid absorption is universally known to have greater absorption capability than other material, contrary to Appellant's argument in the second paragraph on page 11 of the Brief.

As to Appellant's argument starting at the bottom of page 11 to first full paragraph on page 12 of the Brief, Appellant indicates that as Hassenboehler discloses "broad ranges" of thickness (see last four lines of the Brief on page 11) and only discloses in few examples that a sheet of sterilization material has a thickness of less than 1.5 mm, "Hassenboehler provides no teaching or suggestion that a thinner laminate would be preferred for use as a sheet of sterilization material in a sterilization wrap". It is noted that the "broad ranges" cited in Hassenboehler is drawn to laminated web produced using meltblown web whereas the examples of web thickness cited in Table VII is produced using meltblown and/or spunbond webs. Thus, the broad range may not be applicable to the sheet material disclosed in the Table. Moreover, as sterilization wraps are commonly produced using both spunbond and meltblown webs, it is noted that the thickness of those material that utilizes both spunbond and meltblown webs in the Table VII of Hassenboehler (which was cited in the Final Office Action and in the Grounds of Rejection above) would be more appropriate for use in comparison than looking at the broad range for sheet materials produced using only the meltblown webs as argued by the Appellant. Furthermore, even if only meltblown webs were utilized to produce multi-ply sterilization material, Table VII gives specific examples of thickness of sheet material that is usable in the first sheet of sterilization material of Rosano, Davis and Bourne.

As to Appellant's argument in the last two paragraphs on page 12 of the Brief, it is noted that Davis disclosed the thickness of absorbent sheet to be 1/8 in (which is equal to 3.175 mm) (discussed in the Final Office Action as well as in the Evidence Relied Upon section above) and, as discussed in above paragraph, Hassenboehler indicated that an exemplary multi-ply laminated material has thickness of less than 1.5 mm. Thus, it is clear that the absorbent material of Davis is thicker than the sterilization wrap material as disclosed by Rosano as modified by Davis, Hassenboehler and Bourne.

Finally, Appellant argues in the first paragraph on page 13 of the Brief that "Bourne fails to cure the deficiencies of Rosano, Davis, and Hassenboehler in the rejection of independent claims 1, 37, and 54…in particular, Bourne does not teach or suggest at least that the sheet of absorbent material is thicker and/or heavier than the first sheet of sterilization material or that the sheet of absorbent material provides more moisture absorption than the firs sheet of sterilization material". It is noted that the teaching of Bourne is applied with respect to the claim limitation regarding the sterilization wrap having different colors for each sheet that comprises the sterilization wrap and not in regards to the absorbent sheet's weight and/or thickness.

Claims 14-15, 17, 41, 43-45 and 55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rosano (3780857) in view of Davis (6440375), Hassenboehler (5441550) and Bourne (5688476) as applied to claims 1, 37 and 54 above, and further in view of Thukamoto (4206844).

Appellant argues that "Thukamoto fails to cure the deficiencies of Rosano, Davis, Hassenboehler and Bourne in the rejection of independent claims 1, 37, and 54…in particular, Thukamoto does not teach or suggest at least that the sheet of absorbent material is thicker and/or heavier than the first sheet of sterilization material or that the sheet of absorbent material provides more moisture absorption than the firs sheet of sterilization material", it is noted that the teaching of Thukamoto is applied with respect to the claim limitations for the dependent claims and not in regards to the absorbent sheet's weight and/or thickness, where the argued limitations have been taught by the combined teaching of Rosano, Davis, Hassenboehler and Bourne as discussed above.

Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rosano (3780857), Davis (6440375), Hassenboehler (5441550) and Bourne (5688476) in view of Thukamoto (4206844) as applied to claim 14 above, and further in view of Romito (4382063).

As to Appellant's argument that "Romito fails to cure the deficiencies of Rosano, Davis, Hassenboehler and Bourne in the rejection of independent claims 1, 37, and 54…in particular, Romito does not teach or suggest at least that the sheet of absorbent material is thicker and/or heavier than the first sheet of sterilization material or that the sheet of absorbent material provides more moisture absorption than the firs sheet of sterilization material", it is noted that the teaching of Romito is applied with respect to the claim limitations for the dependent claim 16 and not in regards to the absorbent sheet's weight and/or thickness, where the argued limitations have been taught by the combined teaching of Rosano, Davis, Hassenboehler and Bourne as discussed above.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Regina Yoo/ Examiner, Art Unit 1797	/Jill Warden/ Supervisory Patent Examiner, Art Unit 1797

Conferees:

/Jill Warden/
Supervisory Patent Examiner, Art Unit 1797

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